

## **REMARKS**

### **I. General**

This amendment accompanies a Request for Continued Examination (RCE), filed in response to the Office Action mailed June 3, 2005, which rejected claims 1-3 and 5-24. Applicant notes with appreciation that the Office Action indicates that claim 4 would be allowed if rewritten in independent form including all of the limitations of the base claim and any intervening claim. The issues raised in the Office Action are:

- Claims 1-3, 12-13, 18, and 21-22 stand rejected under 35 U.S.C. § 102(e) as being anticipated by published U.S. Patent Application No. 2001/0001268A1 to Menon et al. (“Menon”);
- Claims 5-7, 9, and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Menon in view of U.S. Patent No. 5,489,914 issued to Breed et al. (“Breed”);
- Claims 8 and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Menon in view of U.S. Patent No. 4,823,280 issued to Mailandt et al. (“Mailandt”);
- Claims 10-11 and 16-17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Menon in view of U.S. Patent No. 6,385,609 issued to Barshefsky et al. (“Barshefsky”); and
- Claims 14-15 and 23-24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Menon in view of published U.S. Patent Application No. 2002/0147936A1 to Wiczer (“Wiczer”).

In response, Applicant respectfully traverses the outstanding claim rejections and requests reconsideration and withdrawal thereof in light of the remarks presented herein.

### **II. New Claims**

New claims 25, 26 and 27 have been added, which depend from one of claims 1, 12 and 21. Applicant asserts that support for these new claims can be found in the original

specification, at least in paragraph [0030], and that no new matter has been added. Applicant further asserts that these claims are patentable over the cited art. For example, claims 25, 26 and 27 recite “wherein said uniform format is a mark-up language readable with a web browser.” The cited references do not teach, suggest or disclose the limitations of claims 25, 26 or 27.

### **III. Rejections Under 35 U.S.C. § 102**

Claims 1-3, 12-13, 18, and 21-22 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Menon. It is well settled that to anticipate a claim, the reference must teach every element of the claim. M.P.E.P. § 2131. Moreover, in order for a prior art reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, “[t]he identical invention must be shown in as complete detail as is contained in the ... claim.” M.P.E.P. § 2131, citing *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913 (Fed. Cir. 1989). Applicants respectfully assert that the rejection does not satisfy these requirements.

#### Independent Claim 1

Claim 1 recites, in part, “formatting said measurement data ... into a uniform format.” Menon not disclose this element of claim 1. Specifically, Menon discloses that “self-supervision” information is provided to the OMC 72 “via hardware status failure reports,” but makes no mention that the format of such reports is uniform with over-the-air-channel measurement values or T1/E1 link troubleshooting data. Menon, paragraph 226, lines 5-7.

The Advisory Action, mailed on August 19, 2005 points to MFT[P] and FTP in paragraphs [0198], [0204]-[0206] and [0228] of Menon. Applicant notes that MFTP and FTP are file transfer protocols used by the communication network, and are entirely independent of the format of the files transferred. That is, data with widely-disparate formats can all be transferred using MFTP and FTP. Therefore, the use of MFTP and FTP does not require, or even suggest, that data from various sources is formatted in a uniform format. Since Menon does not disclose that the different information is formatted into a uniform format, Menon does not teach this limitation of claim 1.

Claim 1 further recites, “acquiring at a monitoring probe ... local to a basestation measurement data.” Menon does not disclose that hardware self-tests, over-the-air channel measurements and T1/E1 link conditions are all collected by a common monitoring probe. Rather, Menon seems to imply that self-tests, over-the-air channel measurements and T1/E1 troubleshooting are all handled separately, and by entirely different equipment.

In view of the above, claim 1 is not anticipated by Menon because Menon fails to teach at least those elements identified above. Therefore, Applicant respectfully requests withdrawal of the 35 U.S.C. § 102(e) rejection of claim 1.

#### Independent Claim 12

Claim 12 recites, in part, “format the acquired measurement data into a uniform format.” Menon not disclose this element of claim 12, either. As discussed above in the arguments for claim 1, Menon does not disclose that the different types of information reported by Menon are formatted into a uniform format.

Further, claim 12 also recites, “a monitoring probe arranged local to a basestation ... operable to acquire measurement data for at least one network link parameter ... at least one wireless link parameter ... and at least one operational parameter.” Menon does not disclose this element of claim 12. As discussed above in the arguments for claim 1, Menon does not disclose that the different types of data are acquired by a common monitoring probe, but instead implies entirely separate monitoring schemes.

In view of the above, claim 12 is not anticipated by Menon, because Menon fails to teach at least those elements identified above. Therefore, Applicant respectfully requests withdrawal of the 35 U.S.C. § 102(e) rejection of claim 12.

#### Independent Claim 21

Claim 21 recites, in part, “formatting the measurement data ... into a uniform format.” Menon not disclose this element of claim 21, either. As discussed above in the arguments for claim 1, Menon does not disclose that the different types of information reported by Menon are formatted into a uniform format.

Further, claim 21 recites, “a controller for formatting the measurement data ... and an interface ... for communicating, in said uniform format ... to a remote ... system.” Menon does not disclose this element of claim 21. As discussed above in the arguments for claim 1, implies separate handling of the different types of information, such as “failure information” and “radio quality.” Therefore, Menon does not disclose that different types of data acquired at a basestation are under the control of a controller prior to communicating to a remote system.

In view of the above, claim 21 is not anticipated by Menon, because Menon fails to teach at least those elements identified above. Therefore, Applicant respectfully requests withdrawal of the 35 U.S.C. § 102(e) rejection of claim 21.

#### Dependent Claims

Claims 2-3, 13, 18 and 22 depend from a respective one of independent claims 1, 12, and 21, and thus inherit all limitations of their respective base claims. As shown above, Menon does not anticipate claims 1, 12 or 21. Applicant asserts that these dependent claims are patentable for, at least, the reasons set forth above with respect to the base claims 1, 23 and 33. Accordingly, Applicant requests that the Examiner withdraw the U.S.C. § 102(e) rejection of claims 2-3, 13, 18 and 22. Moreover, these dependent claims set forth additional features and limitations not disclosed by Menon.

For example, claims 3 and 18 both recite, in part, “wherein said measurement data for at least one network link parameter comprises at least one type of measurement selected from the group consisting of: at least one T1 measurement, and at least one E1 measurement.” While Menon does disclose the use of a T1/E1 link, Menon makes no mention of either T1 or E1 measurements.

Claim 13 recites, “said monitoring probe comprises a controller operable to communicate, in said uniform format ...” Menon does not disclose that different types of data acquired at a basestation are under the control of a common controller prior to communicating to a remote system. Rather, Menon seems to imply separate handling of at least the “failure information” and “radio quality.”

#### IV. Rejections Under 35 U.S.C. § 103

Claims 5-7, 9, and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Menon in view of Breed. Claims 8 and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Menon in view of Mailandt. Claims 10-11 and 16-17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Menon in view of Barshefsky. Claims 14-15 and 23-24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Menon in view of Wiczer.

As described above, Applicant respectfully submits that independent claims 1, 12, and 21 are of patentable merit. Each of dependent claims 5-11, 14-17, 19-20, and 23-24 depend either directly or indirectly from one of independent claims 1, 12, and 21, and thus are believed to be of patentable merit based at least on their dependencies from their respective independent claims.

#### V. Conclusion

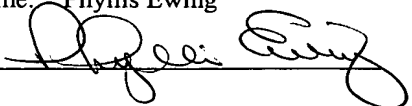
In view of the above, Applicant believes the pending application is in condition for allowance.

The required fee for the Request for Continued Examination is enclosed. If any additional fee is due, please charge Deposit Account No. 06-2380, under Order No. 10020057-1 from which the undersigned is authorized to draw.

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Label No. EV 629199496 US in an envelope addressed to: M/S RCE, Commissioner for Patents, Alexandria, VA 22313.

Date of Deposit: 10/03/2005

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